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PATENT  
Attorney Docket No.: UCI1150-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fan, et al. Art Unit: Unassigned  
 Application No.: 10/030,441 Examiner: Unassigned  
 IA Filing Date: July 8, 2000  
 Title: A LUNG CANCER ASSOCIATED RETROVIRUS, GENE DELIVERY  
 VECTOR AND METHODS OF USE THEREOF

## BOX PCT

Commissioner for Patents  
 Washington, D.C. 20231  
 Attention: Deborah D. Williams

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTSUNDER 35 U.S.C. §371

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. §371  
 mailed March 18, 2002, enclosed are:

1. A copy of the Notification of Missing Requirements Under 35 U.S.C. §371 (2 pages);
2. An executed Declaration (4 pages);
3. Power of Attorney by Assignee (2 pages); and
4. Return Receipt Postcard.

EXPRESS MAIL number: EV 047294761 US Date of Deposit May 17, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, Commissioner of Patents and Trademarks, Washington, DC 20231.

*Mikhail Bayley*

Mikhail Bayley

In re Application of:  
Fan, et al.  
Application No.: 10/030,441  
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Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows.

	Number Filed		Number Extra	Rate		Fee	
				Large Entity	Small Entity	Small Entity	Large Entity
Total Claims	18-20		0			\$0	
Independent Claims	2-3		0			\$0	
Multiple Dependent Claims Presented:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					\$0	
				BASIC FEE		\$0	
				TOTAL FEE		\$0	

Applicants do not believe there are any fees associated with this filing although the Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

Date: May 17, 2002



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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box FFC-1  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/030,441	Hung Y. Fan	UC11150-1

INTERNATIONAL APPLICATION NO.

PCT/US00/18856

I.A. FILING DATE	PRIORITY DATE
07/08/2000	07/08/1999

Lisa A. Haile  
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 4365 Executive drive  
 Suite 1100  
 San Diego, CA 92121-2133

CONFIRMATION NO. 6562  
 371 FORMALITIES LETTER



\*OC000000007646833\*

Date Mailed: 03/18/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/030,441	PCT/US00/18856	UC11150-1

FORM PCT/DO/EO/905 (371 Formalities Notice)

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **A LUNG CANCER ASSOCIATED RETROVIRUS, GENE DELIVERY VECTOR AND METHODS OF USE THEREOF**, the specification of which

\_\_\_\_\_ is attached hereto.

X was filed on January 7, 2002 (Attorney Docket No. UCI1150-1)

as U.S. Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_

if applicable (the "Application").

**I hereby authorize and request insertion of the application serial number of the Application when officially known.**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/142,868      July 8, 1999  
(Application Serial No.)      (Filing Date)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE	PRIORITY CLAIMED
<u>US</u>	<u>PCT/US00/18856</u>	<u>July 8, 2000</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Hung Y. Fan

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Citizenship: USA

Post Office Address: 1079 Van Dyke Drive, Laguna Beach, California 92651 USA

Full name of second inventor: Massimo Palmarini

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Citizenship: Italy

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Full name of third inventor: James M. Sharp

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

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